

Application No.: 09/997,829
Filing Date: November 29, 2001
Amendment after Final under 37 C.F.R. §1.116
Responsive to Final Office Action Dated June 2, 2004

REMARKS

This amendment merely cancels the priority claim made at the time of filing the present application, and is made after receipt of a Final Office Action, and after mailing a notice of appeal.

5 This amendment touches on the merits of the application in that canceling the priority claim formally waives the benefit thereof in terms of its benchmark in defining what is or is not prior art.


The priority claim was inadvertently made at the time of filing and has not been canceled until now merely because of an oversight. Applicants note that it appears the Examiner has not recognized the priority claim because he has cited US patents that would not otherwise qualify as prior art. Namely, the Examiner has cited the following US patents:

- 10 1. U.S. Patent No. 5,700,285, filed June 7, 1995, issued December 23, 1997
 2. U.S. Patent No. 4,131,648, filed March 2, 1978, issued December 26, 1978
 3. U.S. Patent No. 6,287,285, filed January 29, 1999, issued 6,287,285
 4. U.S. Patent No. 6,053,940, filed October 21, 1997, issued April 25, 2000
 5. U.S. Patent No. 6,117,165, filed June 10, 1998, issued September 12, 2000
15 6. U.S. Patent No. 5,749,880, filed July 27, 1995, issued May 12, 1998

20 The priority claim asserted at the time of filing goes back to July 3, 1996, the filing date of U.S. Pat. No. 5,928,279. References 3-5 cited by the Examiner would not qualify as prior art had the priority claim been accorded weight, and therefore Applicants presume that the Examiner has not recognized the priority claim. Under this assumption, the present amendment is not believed to be anything but a technical correction that will ultimately have the effect of a later start to the 20-year term of any patent that issues from the present application.

25 Respectfully submitted,

30 Date: November 29, 2004


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